

March 2, 1973

SPEAKER: Now, any further discussion of the amendments? Senator Whitney, we are speaking only on the committee amendments here as explained by Senator Luedtke, just the amendments.

SENATOR WHITNEY: Mr. President, I'd like to ask Senator Luedtke to explain this, it says provided that the director of motor vehicles shall not assess such persons with any points for such violation when the person is placed on probation therefore, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Now it appears to me that points should not be assessed to him unless he had previously not lived to up a previous probation, so it seems to me what Senator has presented here is correct that you are dealing with points being removed, and let him go free after his probation is over, that's the way it appears to me, now maybe I can't understand this amendment, this committee amendment, could you explain that just a little more.

SENATOR LUEDTKE: The amendment says, does just exactly what it says, if the man is placed on probation, points are withheld because you must understand that if he is close to a point taking away his license, probation would be meaningless you'd agree to that wouldn't you? In other words if probation provided that he had limited driving privileges and that's usually what we have, with this type of probation, he can drive at work, perhaps he can't even drive to and from work, which many times is the situation, then if he, if the points were actually assessed then this is an administrative decision, remember that, the court has nothing to do with that, that's why this is so important that this wording be this way, because points come through a different process, through an administration action of Mr. Sullivan's office and they would just automatically take the license away which would absolutely interfere with the courts handling of the case and would tell the court you can't do what you are doing.

SENATOR WHITNEY: Then it says in the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation in the first place.

SENATOR LUEDTKE: That is correct. No the reason being that if a person successfully completes probation, this is true in any case, in the state of Nebraska if you have never been sentenced, there is no conviction and if there is no conviction, you can not assess points. Now that's the technicality that's involved.

SPEAKER: The Chair recognizes Senator Keyes. The Chair would again advise you that we are speaking only on the committee amendments.

SENATOR KEYES: I would like to ask Senator Luedtke a question?

SPEAKER: Senator Luedtke will you yield to another question?

SENATOR LUEDTKE: Yes.

SENATOR KEYES: Senator Luedtke in the probation on points, what effect will this have on high risk insurance? Now will this mean that when these points that they are gave, they are a part of the penalty for points, will this have anything to do with high risk insurance?

SENATOR LUEDTKE: By they, you are referring to whom?

SENATOR KEYES: It is one of the factors that is used in rising, the causing of high rate insurance.